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E-filed October 21, 2009

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

BARBARA JEAN DENNIS,
Debtor.

Case No. BK-S-09-26164-BAM
Chapter 13

Pre Confirmation Meeting:
Date: October 20, 2009
Time: 8:30 a.m.

Confirmation Hearing:
Date: October 20, 2009
Time: 1:30 p.m.

OBJECTION TO PLAN CONFIRMATION

Secured Creditor, GMAC Inc. by and through its attorney of record, Brian E. Holthus, Esq. of the law firm of Jolley, Urga, Wirth, Woodbury & Standish, hereby submits the following Objections to that certain Chapter 13 Plan proposed by Debtor, and further objects to confirmation of the plan.

POINTS AND AUTHORITIES

1. On August 31, 2009, Debtor filed for relief under Chapter 13 of the Bankruptcy Code.
2. On September 25, 2009, and October 6, 2009 Debtor filed several letters with the court proposing a payment plans to secured creditors which appears to be a form of a chapter 13 plan.

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1 3. This objecting Secured Creditor is the lessor of a 2007 Cadillac ELR Roadster, VIN
2 1G6YV36A475600607 ("Vehicle"). A true and correct copy of the Lease Agreement ("Lease")
3 is attached hereto as Exhibit "A" and a true and correct copy of the Nevada Certificate of Title
4 showing Secured Creditor as lienholder is attached hereto as Exhibit "B".

5 4. On or about September 3, 2009 Secured Creditor filed its Proof of Claim (Claim
6 #1) ("Proof of Claim") in the total amount of \$69,512.50.

7 5. Debtor did not properly list the Vehicle within their plan nor did they correctly list
8 the arrearages owed at the time of filing. At the time of filing, the amount of arrearages due and
9 owing Secured Creditor was \$3,863.80 as indicated by the Proof of Claim. While Secured Creditor
10 does not object to the arrearages being paid through the plan. Secured Creditor is entitled to
11 current payments on its collateral and therefore objects to current and future payments being made
12 through the trustee.

13 6. Secured Creditor is entitled to full monthly lease payments under the Lease and
14 objects to "split" or half payments.

15 7. No Plan was filed. Debtor's letters do not constitute a "Plan".

16 **CONCLUSION**

17 Any Chapter 13 Plan proposed by the Debtors must provide for and eliminate the
18 Objections specified above in order to be reasonable and to comply with applicable provisions of
19 the Bankruptcy Code. It is respectfully requested that confirmation of the Chapter 13 Plan as
20 proposed by Debtors be denied.

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1 WHEREFORE, Secured Creditor prays as follows:

2 (1) That confirmation of the proposed Chapter 13 Plan be denied.

3 (2) For attorney's fees and costs incurred herein.

4 (3) For dismissal of the Chapter 13 proceeding.

5 (4) For such other relief as this Court deems proper.

6 DATED this 21st day of October, 2009.

7 JOLLEY, URG, WIRTH,
8 WOODBURY & STANDISH

9 By: /s/ Anna Jane Zarndt
10 Brian E. Holthus, Esq.
11 Anna Jane Zarndt, Esq.
12 3800 Howard Hughes Pkwy. 16th Floor
13 Las Vegas, Nevada 89169
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CERTIFICATE OF SERVICE BY MAIL

I, the undersigned, hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is that of Jolley, Urga, Wirth, Woodbury & Standish, 3800 Howard Hughes Parkway, 16th Floor, Las Vegas, Nevada 89169.

On the 21st day of October, 2009, I served the within OBJECTION TO PLAN CONFIRMATION on the parties in said action or proceeding by placing a true copy thereof enclosed in a sealed envelope, addressed as follows:

PRO SE DEBTOR
Barbara Jean Dennis
8665 Belhaven
Las Vegas, NV 89147

Rick A. Yarnall
Chapter 13 Trustee
701 Bridger Ave., Suite 820
Las Vegas, NV 89101

and placing the envelopes in the mail bin at the firm's office.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it is deposited with the U.S. Postal Service on the same day it is placed in the mail bin, with postage thereon fully prepaid at Las Vegas, Nevada, in the ordinary course of business.

I certify under penalty of perjury that the foregoing is true and correct, and that this Certificate of Service by mail was executed by me on the 21st day of October, 2009 at Las Vegas, Nevada.

/s/ Tracy Gallagher
An employee of JOLLEY, URG, WIRTH
WOODBURY & STANDISH

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